United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 02-7082 **September Term, 2002**

Filed On: September 17, 2003 [772885]

Drivers, Chauffeurs and Helpers Local 639,
Associated with the International Brotherhood of Teamsters, AFL-CIO and
George Slye,
Appellants

v.

District of Columbia Public Schools and
The Government of the District of Columbia,
Appellees

Appeal from the United States District Court
for the District of Columbia
(No. 02cv00932)

Before: EDWARDS, RANDOLPH, and GARLAND, *Circuit Judges*.

JUDGMENT

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs and arguments of counsel. It is

ORDERED and **ADJUDGED** that the district court's order denying a preliminary injunction be affirmed.

28 U.S.C. § 1292(a)(1) grants this court jurisdiction over appeals from interlocutory orders refusing injunctions. *See also I.A.M. Nat'l Pension Fund Benefit Plan A v. Cooper Indus.*, 789 F.2d 21, 24 n.3 (D.C. Cir. 1986). The interlocutory order that the appellants appeal is such an order. The appellants filed a motion with the district court seeking a preliminary injunction to enjoin the appellees from terminating employees pursuant to a "transformation" plan for the central office of the D.C. Public Schools. The district court expressly denied the motion. Although the court stated that its

order "may not dispose of individual claims of unfairness," the court's finding that "the transformation process as a whole appears to be valid" makes it sufficiently clear that the court intended to deny the requested injunction -- which sought to enjoin the transformation process as a whole.

We affirm the district court's denial of the preliminary injunction. The district court found that the transformation plan was a legitimate reduction-in-force and not a sham. It therefore concluded that the appellants failed to demonstrate a substantial likelihood of success on the merits of their claim that appellees had violated procedural due process by discharging employees without pre-termination hearings. We have no basis for overturning the court's conclusion. The court's finding of legitimacy is not clearly erroneous, *see Serono Labs., Inc. v. Shalala*, 158 F.3d 1313, 1318 (D.C. Cir. 1998), and its conclusion that the Due Process Clause does not require individualized pre-termination hearings when discharges are occasioned by genuine reductions-in-force is correct, *see Washington Teachers Union Local No. 6 v. Bd. of Educ.*, 109 F.3d 774, 780-781 (D.C. Cir. 1997). Nor is there any basis for the appellants' claim of a violation of substantive due process. *See id.* at 781. Finally, the appellants have failed to establish that the weight of the other preliminary injunction factors renders the district court's denial an abuse of discretion. *See Serono Labs.*, 158 F.3d at 1318.

For the foregoing reasons, we affirm the district court's denial of the motion for a preliminary injunction. Our judgment does not, of course, forecast a determination on the ultimate merits of the appellants' complaint.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. *See* Fed. R. App. P. 41(b); D.C. Cir. Rule 41(a)(1).

FOR THE COURT:
Mark J. Langer, Clerk

BY:

Deputy Clerk